



# CASCADE COUNTY PLANNING DEPARTMENT

"Working Together to Provide Efficient and Effective Public Service"

## **CASCADE COUNTY PLANNING BOARD**

DEPARTMENT: Cascade County Planning Department Report and Recommendations

REGARDING: Planning Board Public Hearing on October 20, 2020

SUBJECT: Major Subdivision Preliminary Plat of River Bend Estates III, located in the SW ¼ of Section 34, T. 20 N., R. 3 E., P.M.M. Cascade County, Montana

PRESENTED BY: Sandor Hopkins, Planner/Subdivision Administrator

## **GENERAL INFORMATION**

Applicants/Owners: Rick and Judy Higgins, Higgins Enterprises LTD

Property Location: Parcel #0002019130, Geocode 02-3015-3-3-01-01-0000, S34, T20 N, R03 E, Tract of Record 6 of CoS #5119 & Tract of Record 1A of CoS #5179 Less Plat 2019-27 & Plat 2019-44

Existing Zoning: Suburban Residential 2 ("SR-2")

Requested Action: Subdivision Review

Purpose: To create twelve (12) residential lots, one (1) parkland lot, one (1) utility lot for Fire Suppression, one (1) lot in the Special Flood Hazard Area to be rezoned Open Space, and one remaining tract of land.

Existing Land Use: The existing land is undeveloped grazing and fallow land with the exception of the proposed utility lot which currently holds the structure containing the subdivision's fire suppression system

Surrounding Land Uses: North: Residential/Undeveloped  
East: Undeveloped  
South: Undeveloped/Missouri River  
West: Residential

121 4th St. N, STE 2H/I, Great Falls, MT 59401

Phone: (406)-454-6905 | Fax: 406-454-6919 | Email: [planningcomments@cascadecountymt.gov](mailto:planningcomments@cascadecountymt.gov)  
<http://www.cascadecountymt.gov/departments/public-works/planning>

## **SPECIAL INFORMATION**

1. The Planning Board is in receipt of a Preliminary Plat Application (“Application”) from Rick & Judy Higgins dba Higgins Enterprises, LTD.
2. Attached is a copy of the Major Preliminary Plat, which will subdivide 115.12 acres into twelve (12) residential lots, Lots 25-36; one (1) parkland lot; one (1) utility lot for fire suppression, Lot 33A; one (1) lot in the Special Flood Hazard Area, Lot 26A, to be rezoned Open Space; and one remaining tract of land.
3. Lot 33A, the utility lot, is 0.40 acres, which is below the minimum 2-acre lot requirement of the Suburban Residential 2 (SR-2) zoning District. The utility lot is not exempt from review pursuant to CCSR § 9.2(H) as it is not a “public utility” as defined under the MSPA or MCA § 69-3-101(2)(a), which explicitly excludes from the term “privately owned and operated water, sewer, or water and sewer systems that do not serve the public.” Condition #21 is proposed to address this requirement.
4. Pursuant to MCA § 76-3-605, a public hearing is required for this major subdivision.
5. There are no delinquent taxes on this property.
6. An Environmental Assessment is required pursuant to MCA § 76-3-603(1)(a), and is included in the Application.
7. The project lies inside of the Outer Horizontal Surface Military Overlay District (“MOD-F”), which prohibits development of structures over 500 feet in height pursuant to Cascade County Zoning Regulations (“CCZR”) § 16. This height limit is based on the elevation of the helicopter runway at Malmstrom (3,526 feet). The highest point of this subdivision is approximately 3,425 feet. Condition #20 has been proposed to address this requirement.
8. One lot will be created in the Special Flood Hazard Area. An established Base Flood Elevation of 3334.7 (NAVD 88) has been used to delineate the boundary of the floodplain and the lot in this area. This lot is required to be rezoned to Open Space pursuant to Cascade County Subdivision Regulations (“CCSR”) § 10-14(A) of the. The Cascade County Zoning Change Application is included in the Application.
9. Legal notice of this proposed subdivision was sent to surrounding property owners on October 1, 2020, and appeared in the Great Falls Tribune on October 4, 2020, & October 11, 2020.
10. Interested Agencies were provided with notification letters and a request for comments on October 1, 2020. Cascade County GIS Division provided comment that the proposed road name “Badger Drive” is too similar to the name “Badger Way” in the City of Great Falls and should be changed for emergency purposes. The Applicant is aware of this and has



proposed “Higgins Lane” as an alternative road name. A copy of the correspondence is attached to this Staff Report.

11. Access to the proposed subdivision will be granted by an internal private road system and an additional road, Higgins Lane, that connects to Flood Road and Fox Farm Road.
12. The Applicant’s Traffic Impact Study estimates that when fully developed, this subdivision will generate an additional 118 trips per day. The area of most significant impact is anticipated to be Flood Road. According to the 2014 Great Falls Area Long Range Transportation Plan, the theoretical roadway capacity of Flood Road is 12,000 vehicles per day and the average annual daily traffic is 1,405 trips. Based on these numbers and the Applicant’s Traffic Impact Study, Flood Road has adequate capacity to handle the traffic generated from this subdivision.
13. Park land dedication is a requirement of this proposed subdivision. The twelve (12) proposed residential lots between one (1) and three (3) acres total 25.68 acres. The Applicant is required to dedicate parkland to 5% of the residential area, calculated as 1.284 acres. The Applicant proposed a 1.69-acre park lot.
14. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff’s Department and fire protection services from the Gore Hill Volunteer Fire Department. Response time will be dictated by weather and road conditions.
15. According to the Community Fire Plan Wildland-Urban Interface for Cascade County and Dearborn Fire District, Lewis and Clark County, the property is designated as Low to Moderate Terrain/Fuel Hazard. According to the Applicant’s Wild land Fire Risk and Hazard Severity Assessment Form, the Property is considered a low hazard. Previous stages of the River Bend Estates Development have included the installation of a fire suppression cistern on site that serves as the fire protection source. The Applicant installed a 64,000 gallon storage tank and a will create a dedicated utility lot with this subdivision for the fire suppression facility, well, and gravel turn-around, to accommodate the previous River Bend Estates subdivisions and the currently proposed subdivision. The storage capacity of the fire suppression system will meet Cascade County’s capacity standard of 10,000 gallons minimum + 500 gallons per lot. The fire suppression cistern has 16,000 gallons of capacity each for River Bend Estates I, II, & III, and 16,000 gallons of excess capacity.
16. The property to be subdivided is currently assessed as part of the Fox Farm Rural Special Improvement District (RSID). Based on the boundaries of the RSID, Lot 36 and the remaining tract will be included in the RSID, Lots 25-35 will be removed from the assessment area. Attached is Resolution 16-48 with Exhibit A showing the boundaries of the RSID.

## **CONCLUSION**



This proposed subdivision will meet the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

### **RECOMMENDATIONS**

The following motions are provided for the Board's consideration:

"I move that the Cascade County Planning Board recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, **deny**, a major subdivision, a Preliminary Plat of River Bend Estates III and associated zoning map amendment for Lot 26A;

or

"I move that the Cascade County Planning Board recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates III, and associated zoning map amendment for Lot 26A pursuant to Section 10-14(A) of the Cascade County Subdivision Regulations, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA § 76-3-612).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way and common areas created by and indicated on the subdivision plat.
5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. Pursuant to MCA § 7-22-2152, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this



development.

8. Causing to be recorded on the plat an Agricultural Notification statement.
9. A delineated numbered lot dedicated to parkland and the homeowners' association, no smaller than 1.284 acres, or 1.69 acres as shown on the preliminary plat.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates III, or any other road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
16. A fire suppression cistern with a capacity of 64,000 installed on-site, properly maintained and equipped with the proper appurtenances and approved for use by the Gore Hill Volunteer Fire Department.
17. The Homeowners' Association shall be responsible for the continual maintenance of the equipment and approach to the fire suppression cistern, subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being



properly maintained.

18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Department with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.
20. The inclusion in the covenants of the Outer Horizontal Surface Military Overlay District-F (“MOD-F”) height restrictions limiting structures within the subdivision to no greater than 500 feet in height, unless a variance is approved by the Zoning Board of Adjustment.
21. Lot 33A shall be no less than 2 acres as required by the Cascade County Zoning Regulations for the Suburban Residential 2 District (CCZR § 7.1.0.1(1); CCSR § 10-3), unless an approved variance is obtained, or Lot 33A is eliminated and absorbed into Lots 33 and/or 34 and utility easement is established that meets the requirements of CCSR § 10-9.

**Attachments:** Findings of Fact  
Reduced Copy of Preliminary Plat  
GIS Department Comment  
Fox Farm RSID Map

cc: Rick and Judy Higgins, Higgins Enterprises LTD  
Jason Crawford, Triple Tree Engineering  
Carey Ann Haight, Chief Civil County Deputy Attorney





# CASCADE COUNTY PLANNING DEPARTMENT

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## **FINDINGS OF FACT**

### **MAJOR SUBDIVISION PRELIMINARY PLAT OF RIVER BEND ESTATES PHASE III, BEING A TRACT OF LAND LEGALLY DESCRIBED AS TRACT OF RECORD 6 OF COS #5119 & TRACT OF RECORD 1A OF COS #5179 LS PLAT 2019-27 & PLAT 2019-44, SITUATED IN SECTION 34, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA**

The Application requesting preliminary plat approval for River Bend Estates III, a major subdivision, was received on August 6, 2020. The submittal was determined to contain all required components sufficient for adequate public review on October 6, 2020. A public hearing is scheduled for the Cascade County Planning Board on October 20, 2020. Notice of the public hearing was sent to adjacent property owners on October 1, 2020 and published in the Great Falls Tribune on October 4, 2020, and August 11, 2020.

Higgins Enterprises LTD (Rick & Judy Higgins) request preliminary plat approval for River Bend Estates III major subdivision consisting of twelve (12) residential lots ranging in size from 2.00 acres to 2.39 acres, a parkland lot of 1.69 acres, a utility lot of 0.4 acres for the fire suppression system, and an Open Space lot in the Special Flood Hazard Area of the Missouri River consisting of 0.75 acres, and a remaining lot of 87.4 acres. The total acreage of the project site intended for this development is 28.12 acres.

#### **I. PRIMARY REVIEW CRITERIA**

##### **A. Effect on Agriculture.**

The proposed subdivision presently consists of one (1) parcel of land (115.12 acres) within the Suburban Residential 2 (SR-2) Zoning District. Surrounding property of the project site is residentially zoned, SR-2 Zoning District. The soil is approximately made up of: 10% Bitton and Roy soils (10-65 % slopes), 11% Ipano loam (0-4 % slopes), 44.5% Ipano-Hillon Complex (4-10% slopes), 4.5% Tally fine sandy loam (8-15% slopes) 15% Tally-Castner complex (15-35% slopes), and 15% Torex loamy sand (0-6% slopes). Ipano loam is considered prime farmland if irrigated, and Tally fine sandy loam is considered farmland of statewide importance, no other soils have a prime farmland designation. This soil information was found on the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) Web Soil Survey. This information and test pit logs are available in the Application materials.

##### **B. Effect on Local Services.**

The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Gore Hill Rural Volunteer Fire

Department (VFD). The proposed twelve (12) residential lots require a total of 16,000 gallons, or 10,000 gallons plus an additional 500 gallons per residential lot. The existing fire suppression cistern has a capacity of 64,000 gallons and has been approved by the Gore Hill Rural VFD for the two previous stages of development. The fire suppression system will continue to require approval of the Gore Hill VFD for this development.

An email requesting comments was sent to the Gore Hill Rural VFD Chief, any response received will be forwarded to the Planning Board and the County Commissioners.

Parkland dedication is a requirement of this proposed subdivision. The twelve (12) residential lots between 1 and 3 acres will constitute 25.68 acres. Per the subdivision regulations, 5% of this acreage subdivided for residential use is required to be dedicated as parkland. Since 25.68 acres are being subdivided for residential purposes, 1.284 acres will be the minimum parkland dedication ( $25.68 * .05 = 1.284$ ). The Applicant has proposed a 1.69-acre tract as parkland.

The Applicant's Traffic Impact Analysis indicates the subdivision will generate an additional 118 vehicle trips per day at full build out. The area of most significant impact is anticipated to be Flood Road. The Great Falls Area Long Range Transportation Plan indicates the existing average annual daily traffic is 1,405 trips. The estimated capacity of Flood Road is 12,000 vehicles per day and the existing volume to capacity ratio for Flood Road is 0.082. According to the Traffic Impact Study submitted with the Application, no adverse traffic impact issues have been identified.

Letters requesting comments were sent to the Montana Department of Transportation and the Cascade County Road and Bridge Division. All comments will be forwarded to the Planning Board and the Cascade County Commission.

### **C. Effect on the Natural Environment.**

Subdivision of the site is not expected to create significant surface run-off problems. The proposed development is partially within the regulated floodplain of the Missouri River; however, the developer has not proposed to alter any lakebeds, streams, or river channels. The Montana Department of Environmental Quality ("MDEQ") will review the subdivision plan as part of the Sanitation in Subdivisions Act and will include a review of the stormwater design to mitigate runoff resulting from development in the subdivision.

Approximately 11% of the soil, Ipano loam, is classified as farmland of statewide importance, and approximately 4.5% of the soil, Tally fine sandy loam, is classified as prime farmland if irrigated, the remaining soils are not classified as farmland of statewide importance or prime farmland if irrigated. The property has not been used for grazing, however has not otherwise been put into agricultural production in recent history. The project was sent to the Cascade Conservation District for review, any comments received will be forwarded to the Planning Board and Commissioners.

The subdivision is not expected to adversely affect native vegetation, soils, water quality, or the quantity of surface or ground waters. Disturbed areas during the development phase will be re-seeded and to fulfill condition number 7, a weed management plan will be submitted with the final



plat.

#### **D. Effect on Wildlife and Wildlife Habitat.**

This subdivision location is in an area that is experiencing progressive residential development as development spreads south of Great Falls. A report from the Montana Natural Heritage Program has been included in the Application. The critical wildlife area on the property is the Missouri River shoreline, and the development will not be impacting this area. Additionally, portions of the property within the Regulated Floodplain of the Missouri River are required to be rezoned to Open Space by the Cascade County Subdivision Regulations § 10-14(1). Letters requesting comment have been submitted to the Department of Fish, Wildlife, and Parks, any comments received will be forwarded to the Planning Board and Commissioners. The subdivision will neither result in closure of public access to hunting or fishing areas, nor to public lands.

#### **E. Effect on Public Health and Safety.**

According to the Wildland Fire Risk and Hazard Severity Assessment, the subject property is considered at low risk of wildland fire. Wildfires are always a possibility in subdivisions when located adjacent to crop or pasture land or within the wildland urban interface. Fire and emergency services have been addressed. Vehicle access to the subdivision will be from Flood Road with a secondary access from Fox Farm Road, and then to the internal road system of River Bend Drive, Boundary Line Lane, and Higgins Lane. Based on available information, this subdivision does not appear to be subject to potential natural hazards such as flooding and rock slides; nor potential man-made hazards such as nearby heavy industrial or mining activity.

### **II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION**

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation and conforms to the design standards specified in the Cascade County Subdivision Regulations. The Developer and Cascade County have complied with the subdivision review and approval procedures set forth under the applicable laws and regulations.

### **III. COMPLIANCE WITH THE CASCADE COUNTY GROWTH POLICY**

The proposed subdivision is in compliance with the *Cascade County Growth Policy* to preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens and by ensuring that all new roads be built to county specifications, designing subdivisions so as to minimize the risk of fire, adequate water supply systems, requiring local review of subdivision meet MDEQ regulations, and by complying with the Weed District's weed management plants. The area is not located in a designated Resource Protection Area, Prohibitive Development Area or Conditional Development Area; therefore, those standards are not applicable to the proposed subdivision.



**A. Setback Standards.**

The minimum standards must comply with the *Cascade County Zoning Regulations*.

**B. Slope Standards.**

Development on slopes exceeding twenty five percent (25%) is prohibited except where a licensed engineer, with demonstrated experience in the field of slope stabilization certifies that the development will create no slope failure or erosion hazards.

**C. Off-Street Parking Standard.**

All parking in the proposed subdivision will be accommodated on the premises and entirely off street.

**D. Residential Development Standard.**

The minimum standards must comply with the *Cascade County Zoning Regulations*.

**E. Soil Erosion Standard.**

The proposed subdivision should not cause soil erosion or other adverse impacts of runoff on neighboring properties, roads, or watercourses.

**F. Soils Limitations Standard.**

Soils that have moderate or severe limitations for the proposed subdivision will be identified and measures to mitigate such limitations will be implemented. No soil limitations were identified in the Subdivision Application.

**G. Road Acceptance and Maintenance Policy.**

Legal access, described as public street and utility easement, to the lots will be provided on the final plat. There are two private access roads and an internal subdivision road system that will be a privately maintained by the HOA to access the subdivision. The County will not have responsibility for road maintenance until such time as the County accepts the internal roads as County roads.

**H. Fire Protection Standard.**

This development lies within and receives fire protection services from the Gore Hill Volunteer Fire District. Response time will be dictated by weather and road conditions. An email has been sent to the Gore Hill Fire Chief asking for comments on the proposed subdivision. Any comments received will be sent to the Planning Board and the County



Commissioners.

#### **I. School System's Capacity Standard.**

Letters were sent to the Cascade County Superintendent of Schools and the Great Falls Public Schools Superintendent. Any comments received will be sent to the Planning Board and the County Commission.

#### **IV. EASEMENTS FOR UTILITIES**

Any comments received will be forwarded to the Planning Board and County Commissioners. All easements will be shown on the final plat.

#### **V. LEGAL AND PHYSICAL ACCESS**

Legal access will be provided to all lots through private street easements placed on the final plat. The existing roads in this subdivision will not be county responsibility until such time as the county accepts them. The development will primarily be access from Flood Road, with a secondary access on Fox Farm Road.

#### **VI. OPTIONS AND RECOMMENDATIONS**

In making their recommendations and decisions, the Planning Board and the County Commission shall consider the following:

- A. Relevant evidence relating to the public health, safety, and welfare;
- B. The Summary of Probable Impacts;
- C. The *Cascade County Growth Policy*; and
- D. The provisions outlined in the *Cascade County Subdivision Regulations* and the Montana Subdivision and Platting Act.

#### **VII. DECISION ALTERNATIVES**

- 1. Approve the proposed subdivision.
- 2. Approve the proposed subdivision with conditions.
- 3. Table the proposed subdivision for further study.
- 4. Deny the proposed subdivision.





**From:** Mital, Tom  
**To:** Hopkins, Sandor R.  
**Subject:** FW: River Bend Estates Road Names  
**Date:** Thursday, October 1, 2020 2:39:28 PM  
**Attachments:** image001.png

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Hey Sandor,

This is the email exchange I had with Mitch West regarding the road name Badger Drive located in the River Bend Estates Phase III subdivision. I am also including the response I received from the City of Great Falls GIS Coordinator Aaron Vaughn. If you have any questions feel free to contact me.

This was Aaron's (9/22/2020 10:19 am) response to the Badger Drive road name. "But I'd say on that Badger name to look for an alternative so as to not mess up any first response - what do you think? I think Karen would probably confirm."

Thanks,

**Tom Mital**  
**Cascade County GIS**  
**121 4<sup>th</sup> Street North**  
**Suite 2H**  
**Great Falls, MT 59401**  
**406-454-6727**

**From:** Mital, Tom  
**Sent:** Monday, September 28, 2020 8:00 AM  
**To:** Mitch West <mwest@tripletreemt.com>  
**Subject:** RE: River Bend Estates Road Names

Hey Mitch,

The City thinks that Badger Dr is too closely related to their Badger Way. Sorry about that.

Thanks,

**Tom Mital**  
**Cascade County GIS**  
**121 4<sup>th</sup> Street North**  
**Suite 2H**  
**Great Falls, MT 59401**  
**406-454-6727**

**From:** Mitch West <[mwest@tripletreemt.com](mailto:mwest@tripletreemt.com)>

**Sent:** Friday, September 25, 2020 9:18 AM

**To:** Mital, Tom <[tmital@cascadecountymt.gov](mailto:tmital@cascadecountymt.gov)>

**Subject:** River Bend Estates Road Names

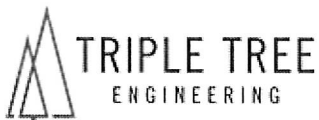
**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Tom,

We are getting ready to submit our final plat application and I am checking in to see if the City of Great Falls had responded to your email about Badger Drive.

Thank you,

Mitch West,



3102 Old Broadwater Lane, Helena, MT 59601

Cell: 406.980.1014

[www.tripletreemt.com](http://www.tripletreemt.com)

# EXHIBIT A

